

112TH CONGRESS  
1ST SESSION

# H. R. 1232

To amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2011

Mr. CAMP introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEDUCTION FOR MEDICAL EXPENSES NOT AL-**  
4 **LOWED FOR ABORTIONS.**

5 (a) IN GENERAL.—Section 213 of the Internal Rev-  
6 enue Code of 1986 is amended by adding at the end the  
7 following new subsection:

8 “(g) AMOUNTS PAID FOR ABORTION NOT TAKEN  
9 INTO ACCOUNT.—

1           “(1) IN GENERAL.—An amount paid during the  
2           taxable year for an abortion shall not be taken into  
3           account under subsection (a).

4           “(2) EXCEPTIONS.—Paragraph (1) shall not  
5           apply to—

6                   “(A) an abortion—

7                           “(i) in the case of a pregnancy that is  
8                           the result of an act of rape or incest, or

9                           “(ii) in the case where a woman suf-  
10                          fers from a physical disorder, physical in-  
11                          jury, or physical illness that would, as cer-  
12                          tified by a physician, place the woman in  
13                          danger of death unless an abortion is per-  
14                          formed, including a life-endangering phys-  
15                          ical condition caused by or arising from  
16                          the pregnancy, and

17                          “(B) the treatment of any infection, injury,  
18                          disease, or disorder that has been caused by or  
19                          exacerbated by the performance of an abor-  
20                          tion.”.

21           (b) EFFECTIVE DATE.—The amendment made by  
22           this section shall apply to taxable years beginning after  
23           the date of the enactment of this Act.

1 **SEC. 2. DISALLOWANCE OF REFUNDABLE CREDIT FOR COV-**  
 2 **ERAGE UNDER QUALIFIED HEALTH PLAN**  
 3 **WHICH PROVIDES COVERAGE FOR ABOR-**  
 4 **TION.**

5 (a) IN GENERAL.—Subparagraph (A) of section  
 6 36B(c)(3) of the Internal Revenue Code of 1986 is amend-  
 7 ed by inserting before the period at the end the following:  
 8 “or any health plan that includes coverage for abortions  
 9 (other than any abortion or treatment described in section  
 10 213(g)(2))”.

11 (b) OPTION TO PURCHASE OR OFFER SEPARATE  
 12 COVERAGE OR PLAN.—Paragraph (3) of section 36B(c)  
 13 of such Code is amended by adding at the end the fol-  
 14 lowing new subparagraphs:

15 “(C) SEPARATE ABORTION COVERAGE OR  
 16 PLAN ALLOWED.—

17 “(i) OPTION TO PURCHASE SEPARATE  
 18 COVERAGE OR PLAN.—Nothing in subpara-  
 19 graph (A) shall be construed as prohibiting  
 20 any individual from purchasing separate  
 21 coverage for abortions described in such  
 22 subparagraph, or a health plan that in-  
 23 cludes such abortions, so long as no credit  
 24 is allowed under this section with respect  
 25 to the premiums for such coverage or plan.

1                   “(ii) OPTION TO OFFER COVERAGE OR  
 2                   PLAN.—Nothing in subparagraph (A) shall  
 3                   restrict any non-Federal health insurance  
 4                   issuer offering a health plan from offering  
 5                   separate coverage for abortions described  
 6                   in such subparagraph, or a plan that in-  
 7                   cludes such abortions, so long as premiums  
 8                   for such separate coverage or plan are not  
 9                   paid for with any amount attributable to  
 10                  the credit allowed under this section (or  
 11                  the amount of any advance payment of the  
 12                  credit under section 1412 of the Patient  
 13                  Protection and Affordable Care Act).”.

14           (c) EFFECTIVE DATE.—The amendment made by  
 15 this section shall apply to taxable years ending after De-  
 16 cember 31, 2011.

17 **SEC. 3. DISALLOWANCE OF SMALL EMPLOYER HEALTH IN-**  
 18 **SURANCE EXPENSE CREDIT FOR PLAN**  
 19 **WHICH INCLUDES COVERAGE FOR ABOR-**  
 20 **TION.**

21           (a) IN GENERAL.—Subsection (h) of section 45R of  
 22 the Internal Revenue Code of 1986 is amended—

23                   (1) by striking “Any term” and inserting the  
 24                  following:

25                   “(1) IN GENERAL.—Any term”, and

1           (2) by adding at the end the following new  
2       paragraph:

3           “(2) EXCLUSION OF HEALTH PLANS INCLUDING  
4       COVERAGE FOR ABORTION.—The terms ‘qualified  
5       health plan’ and ‘health insurance coverage’ shall  
6       not include any health plan or benefit that includes  
7       coverage for abortions (other than any abortion or  
8       treatment described in section 213(g)(2)).”.

9       (b) EFFECTIVE DATE.—The amendments made by  
10   this section shall apply to taxable years beginning after  
11   the date of the enactment of this Act.

12   **SEC. 4. DISTRIBUTIONS FOR ABORTION EXPENSES FROM**  
13                               **CERTAIN ACCOUNTS AND ARRANGEMENTS**  
14                               **INCLUDED IN GROSS INCOME.**

15       (a) FLEXIBLE SPENDING ARRANGEMENTS UNDER  
16   CAFETERIA PLANS.—Section 125 of the Internal Revenue  
17   Code of 1986 is amended by redesignating subsections (k)  
18   and (l) as subsections (l) and (m), respectively, and by  
19   inserting after subsection (j) the following new subsection:

20       “(k) ABORTION REIMBURSEMENT FROM FLEXIBLE  
21   SPENDING ARRANGEMENT INCLUDED IN GROSS IN-  
22   COME.—Notwithstanding section 105(b), gross income  
23   shall include any reimbursement for expenses incurred for  
24   an abortion (other than any abortion or treatment de-  
25   scribed in section 213(g)(2)) from a health flexible spend-

1 ing arrangement provided under a cafeteria plan. Such re-  
 2 imbursement shall not fail to be a qualified benefit for  
 3 purposes of this section merely as a result of such inclu-  
 4 sion in gross income.”.

5 (b) ARCHER MSAS.—Paragraph (1) of section 220(f)  
 6 of such Code is amended by inserting before the period  
 7 at the end the following: “, except that any such amount  
 8 used to pay for an abortion (other than any abortion or  
 9 treatment described in section 213(g)(2)) shall be included  
 10 in the gross income of such holder”.

11 (c) HSAS.—Paragraph (1) of section 223(f) of such  
 12 Code is amended by inserting before the period at the end  
 13 the following: “, except that any such amount used to pay  
 14 for an abortion (other than any abortion or treatment de-  
 15 scribed in section 213(g)(2)) shall be included in the gross  
 16 income of such beneficiary”.

17 (d) EFFECTIVE DATES.—

18 (1) FSA REIMBURSEMENTS.—The amendment  
 19 made by subsection (a) shall apply to expenses in-  
 20 curred with respect to taxable years beginning after  
 21 the date of the enactment of this Act.

22 (2) DISTRIBUTIONS FROM SAVINGS AC-  
 23 COUNTS.—The amendments made by subsection (b)  
 24 and (c) shall apply to amounts paid with respect to

- 1 taxable years beginning after the date of the enact-
- 2 ment of this Act.

